

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2087 – HB 2087

April 6, 2014

**SUMMARY OF ORIGINAL BILL:** Prohibits any governmental entity from obtaining the location information of an electronic device without a search warrant except under certain circumstances. Creates a Class C Misdemeanor for violation of the provisions of the legislation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant

Other Fiscal Impact - Due to unknown variables, a precise mandatory increase in local government expenditures cannot accurately be determined.

**SUMMARY OF AMENDMENT (015487,015546):** Amendment 015487 adds a provision clarifying that the provisions of the bill do not apply to any smart meter gateway device and identifies circumstances when government entities may obtain location information of an electronic device without obtaining a search warrant first. Amendment 015546 deletes the provision creating a Class C misdemeanor for violation of the provisions of the legislation and rewrites the circumstances when government entities may obtain location information of an electronic device without obtaining a search warrant first.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- According to the Tennessee Bureau of Investigation, the provisions of the bill as amended will not result in any significant fiscal impact to the agency.
- According to Court Clerks, the County Technical Assistance Service, and the Municipal Technical Advisory Service, the provisions of the bill as amended will not result in any significant impact to local government.
- Based on information provided by the Tennessee Association of Chiefs of Police, the provisions of the bill as amended will increase the time to obtain a search warrant, which will result in an increase in local government expenditures for man hours. However, due

to multiple unknown variables such as the cost for each man hour, the extent of new warrants required, and the extent of man hours that will be required for each warrant, a precise mandatory increase in local government expenditures cannot reasonably be determined.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

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